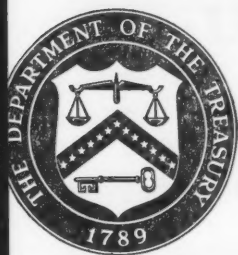


Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions

of the United States Court of Customs and
Patent Appeals and the United States
Customs Court

Vol. 13

OCTOBER 15, 1979

No. 42

This issue contains

T.D. 79-254 through 79-262

General Notice

Protest abstracts P79/261

Reap. abstracts R79/187 and R79/188

THE DEPARTMENT OF THE TREASURY
U.S. Customs Service

NOTICE

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U.S. Customs Service

Treasury Decisions

(T.D. 79-254)

Change in the Customs Field Organization; Section 101.3, Customs Regulations, Amended

TITLE 19—CUSTOMS DUTIES

CHAPTER I—U.S. CUSTOMS SERVICE

PART 101—GENERAL PROVISIONS

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document changes the field organization of the Customs Service by extending the existing port limits of the Brownsville, Tex., port of entry (region VI), to incorporate all of Cameron County, Tex., and by changing the name of the port to "Brownsville-Cameron County." The extension will enable Customs to keep pace with the significant expansion of Customs-related activities in the county, particularly at Harlingen Airport, where there have been recurring requests for Customs services.

EFFECTIVE DATE: 10-5-79.

FOR FURTHER INFORMATION CONTACT: Robert Schenarts, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-8151.

SUPPLEMENTARY INFORMATION:

BACKGROUND

During the past several years, there has been significant growth in the population and economy of the area in and around the lower Rio Grande Valley, just north of the boundary between Texas and the State of Tamaulipas in Mexico. As part of this growth, there has been a significant expansion of the needs of the importing community

elsewhere in Cameron County, Tex., for Customs services now provided by the port of entry at Brownsville.

There have been recurring requests for Customs services at Harlingen Airport, located in Cameron County, and beginning in December 1978, daily flights from and to Mexico City, Mexico, began arriving at and departing from Harlingen Airport. In addition, it is anticipated that a further increase in trade and vehicle traffic in the area may require the completion of at least one new bridge crossing on the Rio Grande in the near future.

To provide the most economical and efficient service to the public and to meet the expanded needs of the importing community in Cameron County, Customs published a notice in the Federal Register on February 9, 1979 (44 F.R. 8276), proposing to extend the existing port limits of the Brownsville, Tex., port of entry (region VI), to include all of Cameron County, Tex., and to change the name of the expanded port to "Cameron County." Interested parties were given until April 10, 1979, to submit comments regarding the proposed change.

DISCUSSION OF COMMENTS

A large majority of the commenters favor the proposal. These commenters generally express the opinion that the extension would benefit the economy of the entire Cameron County area and promote the use of Harlingen International Airport for additional scheduled flights between Harlingen and Mexico City and charter flights to and from Canada. They also note that extension of the port limits at this time would satisfy any future demand for Customs services occasioned by the completion of a proposed new bridge crossing on the Rio Grande.

UNDERSTAFFING AND REDUCTION OF CUSTOMS CONTROLS

Opposing commenters suggest that the Brownsville port of entry is currently understaffed and that extension of the port limits would result in a decrease in manpower at the existing port, a reduction in enforcement controls, and an increase in the area's operational budget, all of which would be detrimental to the traveling public.

A recent survey conducted by Customs headquarters indicates, however, that based upon the workload handled by Customs at the port, Brownsville is staffed adequately. Customs is convinced that extension of the port limits will not cause a reduction in controls, increase operational costs, or in any manner be detrimental to the Brownsville importing community, but will benefit the residents and interests of the entire area. Future staffing requirements, both at Brownsville and throughout Cameron County, will of course be re-evaluated continuously based on the demand for Customs services.

FUTURE EXTENSIONS OF PORTS OF ENTRY ALONG THE MEXICAN AND CANADIAN BORDERS

One commenter questions the propriety of extending the Brownsville port limits because it may establish a precedent for future extension of the geographical limits of other ports of entry along the Mexican and Canadian borders.

The precedent of extending port limits throughout the United States is established firmly. Part of the Customs mission is to provide services when and where they are required. The extension of Customs ports of entry is a necessary response to the public demand for increased Customs services.

COLLECTION OF CUSTOMS DUTIES

The same commenter suggests that extension of the port limits will neither result in an increase in the amount of revenue raised from the collection of Customs duties nor result in more efficient service to the area because all international commerce conducted in the area is transacted through Customs brokers in Brownsville.

Although Brownsville is the center of international commerce in the lower Rio Grande Valley, many new activities, such as air service between Mexico City and Harlingen, are not conducted there. Furthermore, the potential demand for additional Customs services in other areas of Cameron County is evident. By extending the port limits of Brownsville at this time, Customs will be better able to accommodate demands for increased service without establishing new limits for the port of Brownsville on a piecemeal basis in the future.

IMPACT UPON AREA AIRPORTS

One commenter expresses concern that extending the Brownsville port limits to include Harlingen International Airport (which handles only a small amount of international traffic) may result in a change in the status of that facility, allowing it to become an "international airport," and requiring Customs to provide the same services to both Brownsville and Harlingen airports.

Although there are many airports which may be termed international in that they provide for service between the United States and other countries, for Customs purposes "international airports" are only those facilities which have been so designated by the Secretary of the Treasury (49 U.S.C. 1509 (b) and (c)). Furthermore, the designation of a facility as an "international airport" is not related to its proximity to a Customs port of entry. The majority of U.S. airports, including many metropolitan facilities, are "landing rights" airports. Service to these facilities is based only upon need and the availability of manpower.

IMPACT UPON BROWNSVILLE

Two commenters note that because Brownsville is the center of trade in the area and the maritime and Customs identities of the port are synonymous, extension of the port limits and a change in the name of the port may have an adverse effect upon the city of Brownsville.

Customs has determined that the headquarters of the extended port of entry shall remain in the city of Brownsville. Because changing the name of the extended port of entry from "Brownsville" to "Cameron County" may be the source of confusion, Customs has revised its original proposal and designated the extended port of entry as "Brownsville-Cameron County."

CHANGE IN THE CUSTOMS FIELD ORGANIZATION

Under the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949-1953 Comp., ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (44 F.R. 31057), the existing limits of the Brownsville, Tex. (region VI), port of entry are extended to incorporate all of Cameron County, Tex., and the name of the port is changed to "Brownsville-Cameron County." As extended, the geographical boundaries of the port of entry include:

All of the territory within the geographical limits of Cameron County, Tex.,

AMENDMENT TO THE REGULATIONS

To reflect these changes, the table in section 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended by substituting "Brownsville-Cameron County, Tex., including territory described in T.D. 79-254." for "Brownsville, Tex., including territory described in T.D. 54900." in the column headed "Ports of entry" in the Laredo, Tex., Customs district (region VI).

REGULATION DETERMINED TO BE NONSIGNIFICANT

In a directive published in the Federal Register on November 8, 1978 (43 F.R. 52120), implementing Executive Order 12044, "Improving Government Regulations," the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the Federal Register and codified in the Code of Federal Regulations to be "significant." However, regulations which are nonsubstantive, essentially procedural, do not materially change existing or establish new policy, and do not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected, may, with secretarial approval, be

determined not to be significant. Accordingly, it has been determined that this document does not meet the Treasury Department criteria in the directive for "significant" regulations.

DRAFTING INFORMATION

The principal author of this document was Lawrence P. Dunham, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: September 13, 1979.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[Published in the Federal Register, Oct. 4, 1979 (44 F.R. 57088)]

(T.D. 79-255)

Customs Forms Used in Connection With Vessel Arrivals or Departures—Customs Regulations Amended

Printing by private parties or foreign governments of Customs forms used in connection with vessel arrivals or departures; section 4.99, Customs Regulations amended

TITLE 19—CUSTOMS DUTIES

CHAPTER I—U.S. CUSTOMS SERVICE

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends section 4.99, Customs Regulations, to permit the printing by private parties or foreign governments on metric A4 size paper of Customs forms used in connection with vessel arrivals or departures. This change will further conversion to a metric standards and is expected to facilitate international commerce by allowing additional flexibility in the printing of Customs forms. The amendment also provides for the use of computer printouts instead of Customs form 1302: Cargo Declaration.

EFFECTIVE DATE: 10-4-79.

FOR FURTHER INFORMATION CONTACT: John A. Mathis; Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-5706.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 4.99, Customs Regulations (19 CFR 4.99), provides that certain Customs forms used in connection with vessel arrivals or departures may be printed by private parties or foreign governments provided the forms so printed conform to the official Customs forms in size (except that such forms may be up to 14 inches in length or may be reduced in size to not less than 11 inches by 8½ inches), wording, arrangement, style, size of type, and paper specifications. These forms are as follows:

Customs Forms:

- 1300 Master's Oath of Vessel in Foreign Trade
- 1301 General Declaration
- 1302 Cargo Declaration
- 1302-A Cargo Declaration Outward with Commercial Forms
- 1303 Ship's Stores Declaration
- 1304 Crew's Effects Declaration

Section 4.99 also provides that forms not complying with the requirements of this section are not acceptable without the specific approval of the Commissioner of Customs.

Customs recognizes that some parties desire to print these Customs forms on metric A4 size paper (210 by 297 millimeters), the new international standard size used in many parts of the world, which does not differ substantially from the size presently permitted under section 4.99 (approximately 8¼ by 11¼ inches compared with 8½ by 11 inches).

To facilitate international commerce by affording foreign trading partners using the metric system additional flexibility in the printing of Customs forms, section 4.99 is amended to permit the printing of Customs forms 1300, 1301, 1302, 1302-A, 1303, and 1304 by private parties of foreign governments on metric A4 size paper.

As amended, section 4.99 provides that the vertical format of Customs forms 1300, 1301, 1302-A, 1303, and 1304 may be increased in size to a maximum of 14 inches; that Customs form 1302 may be reduced in size to not less than either 8½ by 11 inches or 210 by 297 millimeters; and that if Customs form 1302 is reduced in size, the size of type used may be reduced proportionately.

To accommodate parties who desire to use computer printouts instead of Customs forms 1302, the amendment also allows the district director, in his discretion, to accept a computer printout at a specific port. However, to insure that the computer printouts may be used at all ports, the specific approval of Headquarters, U.S. Customs Service first must be obtained.

INAPPLICABILITY OF PUBLIC NOTICE AND DELAYED EFFECTIVE DATE REQUIREMENTS

Because this amendment pertains solely to agency procedure and liberalizes existing requirements, notice and public procedure are unnecessary, and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

REGULATION DETERMINED TO BE NONSIGNIFICANT

In a directive published in the Federal Register on November 8, 1978 (43 F.R. 52120), implementing Executive Order 12044, "Improving Government Regulations," the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the Federal Register and codified in the Code of Federal Regulations to be "significant." However, it has been determined that this amendment does not meet the Treasury Department criteria in the directive for a "significant" regulation because it is nonsubstantive, essentially procedural, does not materially change existing or establish new policy, and does not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected.

DRAFTING INFORMATION

The principal author of this document was Laurie Strassberg Amster, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

AMENDMENT TO THE REGULATIONS

Section 4.99, Customs Regulations (19 CFR 4.99), is amended to read as follows:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

4.99 Forms: Substitution.

(a) Customs forms 1300, 1301, 1302, 1302-A, 1303, and 1304 printed by private parties or foreign governments shall be accepted provided the forms so printed—

(1) Conform to the official Customs forms in wording arrangement, style, size of type, and paper specifications;

(2) Conform to the official Customs forms in size, except that:

(i) Each form may be printed on metric A4 size paper, 210 by 297 millimeters (approximately 8½ by 11½ inches).

(ii) The vertical format of Customs forms 1300, 1301, 1302-A, 1303, and 1304 may be increased in size up to a maximum of 14 inches.

(iii) Customs form 1302 may be reduced in size to not less than either 8½ by 11 inches or 210 by 297 millimeters (metric A4 size). If Customs form 1302 is reduced in size, the size of type used may be reduced proportionately.

(b) If instructions are printed on the reverse side of the official Customs form, the instructions may be omitted from the privately printed forms, but the instructions shall be followed.

(c) The district director, in his discretion, may accept a computer printout instead of Customs form 1302 for use at a specific port. However, to insure that computer printouts may be used at all ports, the private party or foreign government first must obtain specific approval from headquarters, U.S. Customs Service.

(d) Forms which do not comply with the requirements of this section are not acceptable without the specific approval of the Commissioner of Customs.

(R.S. 251, secs. 2 and 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759, sec. 101, 76 Stat. 72, 5 U.S.C. 301 (19 U.S.C. 66, 1202, general headnote 11, Tariff Schedules of the United States, 1624; 46 U.S.C. 2, 3).)

WILLIAM T. ARCHEY,
Acting Commissioner of Customs.

Approved: September 13, 1979.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[Published in the Federal Register, Oct. 4, 1979 (44 F.R. 57087)]

(T.D. 79-256)

Manmade Fiber Textile Products—Restriction on Entry

Restriction on entry of manmade fiber textile products manufactured or produced in Malaysia

There is published below a directive of August 9, 1979, received by the Commissioner of Customs from the acting chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry of manmade fiber textile products in categories 638 and 639 manufactured or produced in Malaysia. This directive amends, but does not cancel, that committee's directive of December 27, 1978 (T.D. 79-49).

This directive was published in the Federal Register on August 14, 1979 (44 F.R. 47582), by the committee.

(QUO-2-1)

Dated: September 28, 1979.

WILLIAM D. SLYNE
(For G. Scott Shreve, Director,
Duty Assessment Division).

U.S. DEPARTMENT OF COMMERCE,
THE ASSISTANT SECRETARY FOR INDUSTRY AND TRADE,
Washington, D.C. 20230, August 9, 1979.

Committee for the Implementation of Textile Agreements

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On December 27, 1978, the chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of cotton, wool, and manmade fiber textile products in certain specified categories, produced or manufactured in Malaysia and exported to the United States during the agreement year which began on January 1, 1979, in excess of designated levels of restraint. The chairman further advised you that the levels of restraint are subject to adjustment.¹

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 8, 1978, as amended, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on August 14, 1979, the level of restraint established for category 638/639 in the directive of December 27, 1978, to the following:

<i>Category</i>	<i>Amended 12-Month Level of Restraint²</i>
638/639	151,466 dozen of which not more than 64,184 dozen shall be in category 639.

The action taken with respect to the Government of Malaysia and with respect to imports of manmade fiber textile products from Malaysia has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking

¹ The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 8, 1978, as amended, between the Governments of the United States and Malaysia which provide, in part, that: (1) Within the aggregate and group limits, specific levels of restraint, including their sublimits, may be exceeded by designated percentages; (2) specific levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

² The level of restraint has not been adjusted to reflect any imports after Dec. 31, 1978.

provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ARTHUR GAREL,
*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

(T.D. 79-257)

**Cotton, Wool, and Manmade Fiber Textile Products—Restriction
on Entry**

Restriction on entry of cotton, wool, and manmade fiber textile products
manufactured or produced in the Philippines

There is published below a directive of September 6, 1979, received by the Commissioner of Customs from the acting chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry of cotton, wool, and manmade fiber textile products manufactured or produced in the Philippines. This directive amends, but does not cancel, that committee's directive of December 27, 1978 (T.D. 79-42).

This directive was published in the Federal Register on September 11, 1979 (44 F.R. 52858), by the committee.

(QUO-2-1)

Dated: September 28, 1979.

William D. SLYNE
(For G. Scott Shreve, Acting
Director, Duty Assessment Division.)

U.S. DEPARTMENT OF COMMERCE,
THE ASSISTANT SECRETARY FOR INDUSTRY AND TRADE,
Washington, D.C., September 6, 1979.

Committee for the Implementation of Textile Agreements

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,
Washington, D.C. 20229.*

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on December 27, 1978, by the chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool,

and manmade fiber textile products, produced or manufactured in the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement on August 22 and 24, 1977, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on September 12, 1979, and for the 12-month period beginning on January 1, 1979, and extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and manmade fiber textile products in categories 331, 459, 638/639, and 640, produced or manufactured in the Philippines, in excess of the following level of restraint:

<i>Category</i>	<i>12-month level of restraint¹</i>
331	568,011 dozen pairs
459	74,425 pounds
638/639	788,310 dozen
640	90,343 dozen

Textile products in the foregoing categories which have been exported to the United States prior to January 1, 1979, shall not be subject to this directive.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of TSUSA numbers was published in the Federal Register on January 4, 1978 (43 F.R. 884), as amended on January 25, 1978 (43 F.R. 3421), March 3, 1978 (43 F.R. 8828), June 22 1978 (43 F.R. 26773), September 5, 1978 (43 F.R. 39408), January 2, 1979 (44 F.R. 94), March 22, 1979 (44 F.R. 17545), and April 12, 1979 (44 F.R. 21843).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton, wool, and manmade fiber textile products from the Philippines have been

¹ The level of restraint has not been adjusted to reflect any imports after Dec. 31, 1978.

determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

PAUL T. O'Day,

*Acting Chairman, Committee, for the
Implementation of Textile Agreements.*

(T.D. 79-258)

Special Tonnage Tax and Light Money—Customs Regulations
Amended

Foreign discriminating duties of tonnage and impost with respect to vessels of and certain imports from Bangladesh suspended and discontinued; section 4.22, Customs Regulations, amended

TITLE 19—CUSTOMS DUTIES

CHAPTER I—U.S. CUSTOMS SERVICE

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule adds Bangladesh to the list of nations whose vessels are exempted from the payment of higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. Satisfactory evidence has been obtained by the Department of State that no discriminating duties of tonnage or impost are imposed in ports of Bangladesh upon vessels belonging to citizens of the United States or on their cargoes.

EFFECTIVE DATE: The exemption became effective March 9, 1979.

FOR FURTHER INFORMATION CONTACT: Patrick J. Casey, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-5706.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money," on all foreign vessels which enter U.S. ports (46 U.S.C. 121, 128). However, vessels of a foreign nation may be exempted from the payment of special tonnage taxes and light money upon presentation of proof satisfactory to the President that no discriminatory duties of tonnage or imposts are imposed by that foreign nation on U.S. vessels or their cargoes (46 U.S.C. 141). The President has delegated the authority to grant this exemption to the Secretary of the Treasury. Section 4.22, Customs Regulations (19 CFR 4.22), lists those nations whose vessels have been exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

On March 9, 1979, the Department of State advised the Department of the Treasury that the U.S. Embassy in Dacca, Bangladesh, has received assurances from the Government of Bangladesh that it has never imposed any discriminating duties or charges on U.S. vessels or upon the produce, manufactures, or merchandise imported into that country on U.S. vessels. Consequently, there is satisfactory evidence which would permit the Secretary of the Treasury to find that vessels of Bangladesh registry are entitled to the exemption, and the Department of State has requested that such vessels be afforded the exemption.

DECLARATION

Therefore, by virtue of the authority vested in the President by section 4228 of the revised statutes, as amended (46 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR, 1959-1963 Comp., ch. II), and pursuant to the authorization provided by Treasury Department Order No. 101-5 (44 F.R. 31057), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, in respect to vessels of Bangladesh registry and the produce, manufactures, or merchandise imported into the United States in such vessels from Bangladesh or from any other foreign country.

This suspension and discontinuance shall take effect from March 9, 1979, in respect to vessels of Bangladesh registry and shall continue only for so long as the reciprocal exemptions of vessels wholly belonging to citizens of the United States and their cargoes shall be continued.

AMENDMENT TO THE REGULATIONS

In accordance with this declaration, section 4.22, Customs Regulations (19 CFR 4.22), is amended by adding "Bangladesh" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 251, as amended, 4219, as amended, 4225, as amended, 5228, as amended, sec. 3, 23 Stat. 119, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 3, 121, 128, 141).)

INAPPLICABILITY OF PUBLIC NOTICE AND DELAYED EFFECTIVE DATE REQUIREMENTS

Because this amendment merely implements a statutory requirement, notice and public procedure are unnecessary, and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

REGULATION DETERMINED TO BE NONSIGNIFICANT

In a directive published in the Federal Register on November 8, 1978 (43 F.R. 52120), implementing Executive Order 12044, "Improving Government Regulations," the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the Federal Register and codified in the Code of Federal Regulations to be "significant." However, regulations of this nature which are nonsubstantive, essentially procedural, do not materially change existing or establish new policy, and do not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of those affected, may with secretarial approval, be determined not to be significant. Accordingly, it has been determined that this document does not meet the Treasury Department criteria in the directive for "significant" regulations.

DRAFTING INFORMATION

The principal author of this document was Shannon McCarthy, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Departments of State and the Treasury participated in its development.

Dated: September 20, 1979.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[Published in the Federal Register, Oct. 4, 1979 (44 F.R. 57086)]

(T.D. 79-259)

Synopsis of Drawback Decisions

The following are synopses of drawback rates issued June 20, 1979, to September 11, 1979, inclusive, pursuant to section 22.1 and 22.5, inclusive, Customs Regulations.

In the synopses below are listed for each drawback rate approved under section 1313(b), the name of the company, the specified articles on which drawback is authorized, the merchandise which will be used to manufacture or produce these articles, the factories where the work will be accomplished, the date the statement was signed, the basis for determining payment, the Regional Commissioner to whom the rate was forwarded to, and the date on which it was forwarded.

Dated: September 28, 1979.

HARVEY B. FOX

(For Donald W. Lewis, Director,
Office of Regulations and Rulings).

(A) Company: Bordo Citrus Products Cooperative.

Articles: Frozen concentrated orange juice and orange juice from concentrate.

Merchandise: Concentrated orange juice for manufacturing.

Factory: Winter Haven, Fla.

Statement signed: June 25, 1979.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: Miami,
August 13, 1979.

(B) Company: Citrus Central, Inc.

Articles: Frozen concentrated orange juice and orange juice from concentrate.

Merchandise: Concentrated orange juice for manufacturing.

Factories: Winter Haven, Umatilla, Bartow, Plymouth, and Howey in the Hills, Fla.

Statement signed: June 11, 1979.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: Miami,
August 13, 1979.

Revokes: T.D. 75-312-G and T.D. 76-344-G.

(C) Company: Golden Gem Growers, Inc.

Articles: Frozen concentrated orange juice and orange juice from concentrate.

Merchandise: Concentrated orange juice for manufacturing.

Factory: Umatilla, Fla.

Statement signed: June 11, 1979.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: Miami, August 17, 1979.

Revokes: T.D. 68-230-M, as amended by T.D. 76-249-O.

(D) Company: Gould Inc., Automotive Battery Division.

Articles: Secondary lead acid batteries, grids, connectors, posts, and parts for secondary lead acid batteries.

Merchandise: Lead.

Factories: City of Industry, Calif.; Dunmore, Pa.; Orlando, Fla.; Salem, Oreg.; Farmers Branch, Tex.; Leavenworth, Kans.; Lynchburg, Va.; St. Paul, Minn.; Shreveport, La.; Zanesville, Ohio.

Statement signed: May 21, 1979.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: New York, August 14, 1979.

(E) Company: Orange-co of Florida, Inc.

Articles: Frozen concentrated orange juice and orange juice from concentrate.

Merchandise: Concentrated orange juice for manufacturing.

Factory: Bartow, Fla.

Statement signed: June 12, 1979.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: Miami, August 13, 1979.

(F) Company: Pepsi-Cola Bottling Co. of Dothan, Ala., Inc.

Articles: Canned and bottled carbonated and noncarbonated beverages.

Merchandise: Hard and liquid refined sugar, and liquid refined invert sugar.

Factory: Dothan, Ala.

Statement signed: March 20, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: New York, August 13, 1979.

(G) Company: Pepsi-Cola Bottling Co. of Los Angeles.
Articles: Canned and bottled carbonated and noncarbonated beverages.

Merchandise: Refined sugar, liquid refined sugar, and liquid refined invert sugar.

Factory: Buena Park, Calif.

Statement signed: May 16, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: New York, August 17, 1979.

(H) Company: Pepsi-Cola/Seven-Up Bottling Co. of Honolulu, Inc.; Division of Alpac Corp.

Articles: Canned and bottled carbonated and noncarbonated beverages.

Merchandise: Hard and liquid refined sugar, and liquid refined invert sugar.

Factory: Honolulu, Hawaii.

Statement signed: March 28, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: New York; August 13, 1979.

(I) Company: PepsiCo, Inc.

Articles: Beverage concentrates, finished syrups, and fountain syrups.

Merchandise: Hard and liquid refined sugar, and liquid refined invert sugar.

Factories: Long Island City and Valhalla, N.Y.; Arlington, Tex.; Louisville, Ky.

Statement signed: March 26, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: New York, August 13, 1979.

(J) Company: Plymouth Citrus Products Cooperative.

Articles: Frozen concentrated orange juice and orange juice from concentrate.

Merchandise: Concentrated orange juice for manufacturing.

Factory: Plymouth, Fla.

Statement signed: June 28, 1979.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: Miami, August 14, 1979.

Revokes: T.D. 70-142-G and unpublished authorization letters dated September 15, 1975, and June 3, 1971.

(K) Company: Redwood Food Packing Co.

Articles: Maraschino cherries, glace cherries, and canned fruits.

Merchandise: Liquid and hard refined sugar.

Factory: Redwood City, Calif.

Statement signed: May 30, 1979.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: San Francisco,
August 14, 1979.

(L) Company: Rohm and Haas Delaware Valley Inc.

Articles: Karathane series.

Merchandise: Crotonic acid.

Factory: Bristol, Pa.

Statement signed: May 11, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
June 20, 1979.

Revokes: Section No. 19, T.D. 78-397-U.

(M) Company: Rohm and Haas Delaware Valley Inc.

Articles: Kerb.

Merchandise: Methyl butynol.

Factory: Philadelphia, Pa.

Statement signed: April 18, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
June 20, 1979.

Revokes: Section No. 20, T.D. 78-397-U.

(N) Company: Rohm and Haas Delaware Valley Inc.

Articles: Emulsions (rhoplex and primal).

Merchandise: Acrylamide.

Factory: Bristol, Pa.

Statement signed: May 11, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
June 20, 1979.

Revokes: Section No. 21, T.D. 78-397-U.

(O) Company: Rohm and Haas Delaware Valley Inc.

Articles: Stam series.

Merchandise: Isophorone.

Factory: Philadelphia, Pa.

Statement signed: May 11, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
June 20, 1979.

Revokes: Section No. 22, T.D. 78-397-U.

(P) Company: Rohm and Haas Delaware Valley Inc.

Articles: Acryloid and other modifiers, emulsions (rhoplex and primal),
and acryloid solution coatings.

Merchandise: Butyl acrylate.

Factories: Philadelphia and Bristol, Pa.

Statement signed: April 18, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
June 26, 1979.

Revokes: Section No. 23, T.D. 78-397-U.

(Q) Company: Rohm and Haas Delaware Valley Inc.

Articles: Syntans (Tamol and Leukanol).

Merchandise: Oxalic acid.

Factory: Philadelphia, Pa.

Statement signed: April 18, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
June 26, 1979.

Revokes: Section No. 24, T.D. 78-397-U.

(R) Company: Rohm and Haas Delaware Valley Inc.

Articles: Surfactants (phosphates).

Merchandise: Stearyl dimethylamine.

Factory: Philadelphia, Pa.

Statement signed: April 18, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
June 26, 1979.

Revokes: Section No. 25, T.D. 78-397-U.

(S) Company: Rohm and Hass Delaware Valley Inc.

Articles: Kelthane series.

Merchandise: Methyl oleate.

Factory: Philadelphia, Pa.

Statement signed: May 11, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: Baltimore,
June 26, 1979.

Revokes: Section No. 26, T.D. 78-397-U.

(T) Company: Rohm and Haas Delaware Valley Inc.

Articles: Plexiglas molding powder, Implex molding powder, other modifiers, emulsions, acryloid solution coatings, acryloid solid coatings, Paraplex P series, MR cationic ion exchange resins, GEL cationic ion exchange resins, MR anion ion exchange resins, GEL anionic ion exchange resins, other ion exchange resins, absorbents, and dispersants.

Merchandise: Styrene.

Factories: Philadelphia and Bristol, Pa.

Statement signed: May 11, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: Baltimore, June 26, 1979.

Revokes: Section No. 28, T.D. 78-397-U.

(U) Company: Rohm and Haas Delaware Valley Inc.

Articles: Emulsions, acryloid solution coatings, MR and GEL anionic ion exchange resins, acrylic anionic ion exchange resins (mixed bed), ion exchange resins, adsorbents, Kelthane series, Karathane series, Stam series, TOK series, diphenylethers, surfactants, hyamine series, and choline chloride series.

Merchandise: Methyl alcohol.

Factory: Philadelphia, Pa.

Statement signed: April 18, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: Baltimore, June 26, 1979.

Revokes: Section No. 31, T.D. 78-397-U.

(V) Company: Silver Springs Citrus Cooperative.

Articles: Frozen concentrated orange juice and orange juice from concentrate.

Merchandise: Concentrated orange juice for manufacturing.

Factory: Howey in the Hills, Fla.

Statement signed: June 21, 1979.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: Miami, August 13, 1979.

(W) Company: Schenectady Chemicals, Inc.

Articles: Para-Tertiary-Butylphenol.

Merchandise: Phenol USP crystals.

Factories: Schenectady and Rotterdam Junction, N.Y.; Freeport, Tex.

Statement signed: June 11, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: New York,
August 27, 1979.

(X) Company: Southwestern Porcelain, Inc.

Articles: Agricultural forage and grain silos—liquid manure tanks and parts thereof.

Merchandise: Hot rolled porcelain enameling steel sheet, plate and blanks.

Factory: Sand Springs, Okla.

Statement signed: June 26, 1979.

Basis of claim: Appearing in.

Rate forwarded to Regional Commissioner of Customs: New York,
September 11, 1979.

(Y) Company: Universal Industries Corp.

Articles: Pepsi Cola fountain syrups.

Merchandise: Hard and liquid refined sugar, and liquid refined invert sugar.

Factory: Columbus, Miss.

Statement signed: February 26, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: New York,
August 13, 1979.

(Z) Company: F. G. Wool Packing Co., Inc.

Articles: Canned fruits and fruit cocktail.

Merchandise: Liquid refined and/or liquid refined invert sugar.

Factory: San Jose, Calif.

Statement signed: June 1, 1979.

Basis of claim: Used in.

Rate forwarded to Regional Commissioner of Customs: San Francisco,
August 13, 1979.

Revokes: T.D. 55910-A.

(T.D. 79-260)

Synopses of Drawback Decisions

The following are synopses of drawback rates and amendments issued January 5, 1979, to August 7, 1979, inclusive, pursuant to section 22.1 and 22.5, inclusive, Customs Regulations.

In the synopses below are listed for each drawback rate or amendment approved under section 1313(a), the name of the company, the

specified articles on which drawback is authorized, the merchandise which will be used to manufacture or produce these articles, the factories where the work will be accomplished, the date the statement was signed, the basis for determining payment, the Regional Commissioner who issued the rate, and the date on which it was signed.

(DRA-1-09)

Dated: October 1, 1979.

SALVATORE E. CARAMAGNO
(For Donald W. Lewis, Director,
Office of Regulations and Rulings),

(A) Company: Arctic Enterprises, Inc.

Articles: Self-propelled aquatic cycles (also called wetbikes).

Merchandise: Imported and/or drawback internal combustion engines and hydrojet pump drive units.

Factory: Thief River Falls, Minn.

Statement signed: July 10, 1979.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Chicago, August 7, 1979.

(B) Company: BASF Wyandotte Corp.

Articles: 1,4 butanediol, butanediol light and heavy ends, contaminated methanol, mixed alcohol.

Merchandise: Imported and/or drawback S3-81 and H1-84.

Factory: Geismar, La.

Statement signed: June 29, 1979.

Basis of claim: Used in, with distribution to the products obtained in accordance with their relative value at the time of separation.

Rate issued by Regional Commissioner of Customs: New York, July 16, 1979.

(C) Company: BBL Microbiology Systems, Division of Becton, Dickinson & Co.

Articles: Dehydrated and prepared media.

Merchandise: Imported agar.

Factory: Cockeysville, Md.

Statement signed: June 26, 1979.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Baltimore, July 17, 1979.

(D) Company: Badische Corp.

Articles: Metallic yarns.

Merchandise: Imported and/or drawback polyester film,

Factory: Williamsburg, Va.

Statement signed: January 29, 1979.

Basis of claim: Used in.

Amendment issued by Regional Commissioner of Customs: Baltimore, April 9, 1979.

Amends: T.D. 72-116-Q, to cover change in name from Dow Badische Co.

(E) Company: Beebe Brothers, Inc.

Articles: Manual chain hoists, lever hoists, plain and geared trolleys; motorized trolleys, end trucks, and electric chain hoists.

Merchandise: Imported component parts and accessories for manual chain hoists, lever hoists, plain and geared trolleys, motorized trolleys, end trucks, electric chain hoists.

Factory: Seattle, Wash.

Statement signed: June 13, 1979.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: San Francisco; July 10, 1979.

(F) Company: Brooks & Perkins, Inc.

Articles: Nuclear fuel cells and boral strips for nuclear fuel cells.

Merchandise: Imported and/or drawback tetrabor-boron carbide powder.

Factory: Livonia, Mich.

Statement signed: May 29, 1979.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Chicago, June 27, 1979.

(G) Company: Carlson Stapler & Shippers Supply, Inc.

Articles: Tying machines.

Merchandise: Imported unfinished tying machines.

Factory: Omaha, Nebr.

Statement signed: July 19, 1979.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Chicago, August 7, 1979.

(H) Company: Commodore Business Machines, Inc.

Articles: Personal PET computers.

Merchandise: Imported keyboards, transformers, crystals, deflection yokes, transistors, covers, holder cassettes, cassette mounting brackets, display cover housings, cover backs, bases, high-voltage covers, vent screens, power cord assemblies, fuses, strain reliefs, lead microprocessors with on-board clock oscillators, lead peripheral adapters, lead versatile interface adapters, lead random access memories, lead read-only memories—monolithic N-channel metal-gate arrays, cassette slide switches.

Factories: Santa Clara and Palo Alto, Calif.; Clear Lake, Iowa.

Statement signed: October 20, 1978.

Basis of claim: Appearing in.

Amendment issued by Regional Commissioner of Customs: San Francisco, January 5, 1979.

Amends: T.D. 76-327-C, to cover additional process above and additional factories at Santa Clara, Calif. and Clear Lake, Iowa.

(I) Company: De Dietrich (USA), Inc.

Articles: HemicoilTM reactors, dryer/blenders, panel clad tanks and mixing tanks, glass-lined reactors.

Merchandise: Imported glass-lined vessels, agitators.

Factory: Union, N.J.

Statement signed: June 8, 1979.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: New York, July 18, 1979.

Revokes: T.D. 69-144-P, as amended by T.D. 76-300-T and T.D. 77-244-Q.

(J) Company: Fairchild Camera & Instrument Corp.

Articles: Electronic digital watches.

Merchandise: Imported modules, cases, bracelets, bands, frames, lens, and other parts.

Factories: Mountain View, Palo Alto, San Rafael, San Diego, and Santa Clara, Calif.; Chiprock, N. Mex.; South Portland, Maine.

Statement signed: November 17, 1978.

Basis of claim: Appearing in.

Amendment issued by Regional Commissioner of Customs: San Francisco, January 10, 1979.

Amends: T.D. 75-99-0, to cover new process above at additional factory at Santa Clara, Calif.

(K) Company: Flor-Quim, Inc.

Articles: Amyl cinnamic aldehyde.

Merchandise: Imported heptaldehyde.

Factory: Patillas, P.R.

Statement signed: February 14, 1979.

Basis of claim: Used in, with distribution to the products obtained in accordance with their relative value at the time of separation.

Amendment issued by Regional Commissioner of Customs: New York, May 25, 1979.

Amends: T.D. 76-287-A to cover change in basis of claim from used in, less valuable waste.

(L) Company: Forte Cashmere Corp.

Articles: Wool, hair, silk, or synthetic fibers, sorted; sorted and blended; graded, sorted and blended; or otherwise manufactured or produced.

Merchandise: Imported and/or drawback wool, hair, silk, or synthetic fibers.

Factory: Woonsocket, R.I.

Statement signed: January 31, 1979.

Basis of claim: Used in, less valuable waste.

Amendment issued by Regional Commissioner of Customs: Boston, February 22, 1979.

Amends: T.D. 66-60-S, as amended, to cover a change in name from Cashmere Processing Corp.

(M) Company: Forte Cashmere Corp.

Articles: Greasy and scoured camelhair; cashmere.

Merchandise: Imported scoured, dehaired and card-sliver camelhair and cashmere.

Factory: Woonsocket, R.I.

Statement signed: February 20, 1979.

Basis of claim: Used in, less valuable waste.

Rate issued by Regional Commissioner of Customs: Boston, May 23, 1979.

(N) Company: Hart Ski Manufacturing Co., Inc.

Articles: Skis.

Merchandise: Imported rubber foil, laminated plastic sheeting, plastic sheeting, plastic sheeting base material, and steel edges.

Factory: St. Paul, Minn.

Statement signed: May 30, 1979.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: Chicago, July 11, 1979.

Revokes: T.D. 76-287-V, to cover successorship from Hart Ski Manufacturing Co., Division of Beatrice Foods Co.

(O) Company: Henkel Corp.

Articles: Protein powder.

Merchandise: Imported levulose (also known as fructose).

Factory: Keokuk, Iowa.

Statement signed: June 8, 1979.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: Chicago, July 20, 1979.

Revokes: T.D. 75-115-P, to cover successorship from General Mills Chemicals, Inc.

(P) Company: Ingersoll-Rand Co.

Articles: Compactors.

Merchandise: Imported diesel engines.

Factory: Shippensburg, Pa.

Statement signed: February 23, 1979.

Basis of claim: Appearing in.

Amendment issued by Regional Commissioner of Customs: New York, May 15, 1979.

Amends: T.D. 78-255-K, as amended, to cover additional process above at additional factory above.

(Q) Company: The Lodge & Shipley Co.

Articles: Imported and/or drawback numerically controlled bar chuckers and turning centers.

Merchandise: Bar chuckers and turning centers.

Factory: Cincinnati, Ohio.

Statement signed: June 13, 1979.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: New York, July 2, 1979.

(R) Company: McLaughlin Gormley King Co.

Articles: Insecticides.

Merchandise: Imported Sumithrin and Neo-Pynamin.

Factory: Minneapolis, Minn.

Statement signed: June 14, 1979.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: Chicago, August 7, 1979.

(S) Company: Northwest Microfilm, Inc.

Articles: Desk-top microfiche/microfilm viewers.

Merchandise: Imported ground glass optical lenses.

Factory: Brooklyn Center, Minn.

Statement signed: July 10, 1979.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Chicago, July 20, 1979.

(T) Company: Pacific Fabric Printers, Inc.

Articles: Printed yardage.

Merchandise: Imported yardage in the greige.

Factory: Vernon, Calif.

Statement signed: July 5, 1979.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: Los Angeles, July 31, 1979.

(U) Company: Peer Bearing Co.

Articles: Finished ball bearing.

Merchandise: Imported ball bearings, seals, and shields.

Factory: Wheeling, Ill.

Statement signed: July 5, 1979.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Chicago, July 20, 1979.

Revokes: T.D. 77-146-P.

(V) Company: Phillips Paraxylene, Inc.

Articles: Paraxylene, toluene, fuel gas, paraffinic liquid (C-7 and lighter liquids), orthoxylene, mixed xylene, and C-9 aromatic petrochemicals (heavy aromatics).

Merchandise: Imported mixed xylene feedstock and drawback-mixed xylenes and hydrogen gas.

Factory: Guayama, P.R.

Statement signed: August 8, 1978.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Miami, July 11, 1979.

(W) Company: R. J. Reynolds Tobacco Co.

Articles: Cigarettes; cigarette tobacco—blended, cased, and cut; cigarette tobacco—blended and cut; cigarette tobacco—blended.

Merchandise: Imported tobacco.

Factory: Winston-Salem, N.C.

Statement signed: June 15, 1979.

Basis of claim: Used in.

Rate issued by Regional Commissioner of Customs: Miami, July 11, 1979.

(X) Company: Rhone-Poulenc, Inc.

Articles: MCPP amine 4M.

Merchandise: Imported MCPP acid technical 94 percent (4-chloro-2-methyl phenoxy propionic acid).

Factory: St. Joseph, Mo.

Statement signed: June 6, 1979.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: New York; July 18, 1979.

(Y) Company: Sikorsky Aircraft, Division of United Technologies Corp.

Articles: Helicopters and helicopter parts.

Merchandise: Drawback engines, generators, gear boxes, and airframe parts.

Factories: Stratford and Bridgeport, Conn.; West Palm Beach, Fla.

Statement signed: June 18, 1979.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: Boston, July 10, 1979.

(Z) Company: Uddeholm Steel Corp.

Articles: Cold-drawn wire rods cut to specific sizes or in coils.

Merchandise: Imported and/or drawback unfinished wire rod coils.

Factory: Fairfield, N.J.

Statement signed: July 2, 1979.

Basis of claim: Appearing in.

Rate issued by Regional Commissioner of Customs: New York, July 18, 1979.

(T.D. 79-261)

Foreign Currencies—Variances From Quarterly Rate

Rates of exchange based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c) Tariff Act of 1930 as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in T.D. 79-191 for the following countries.

Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates:

Austria schilling:

September 20, 1979----- \$0. 078125

September 21, 1979----- : 078370

Switzerland franc:

September 21, 1979----- \$0: 636335

(LIQ-3-CT:D:E)

Date: October 1, 1979.

DANIEL D. SULLIVAN

(For G. Scott Shreve, Acting

Director, Duty Assessment Division).

(T.D. 79-262)

Foreign Currencies—Daily Rates for Countries not on
Quarterly List

Rates of exchange based on rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Brazil cruzero, Peoples Republic of China yuan, Hong Kong dollar, Iran rial, Philippines peso, Singapore dollar, Thailand baht (tical) and Venezuela bolivar

The Federal Reserve Bank of New York, pursuant to section 522(c); Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to part 159, subpart C, Customs Regulations (19 CFR, subpart C).

Brazil cruzero:

August 27-30, 1979----- \$0. 0387

August 31, 1979----- . 0360

September 3, 1979----- Holiday

September 4-6, 1979----- . 0360

September 7, 1979----- . 0363

September 10-11, 1979----- . 0363

September 12-14, 1979----- . 0323

September 17-21, 1979----- . 0323

Peoples Republic of China yuan:

August 27-31, 1979	\$0. 646120
September 3, 1979	Holiday
September 4-6, 1979	. 646120
September 7, 1979	. 648761
September 10-14, 1979	. 648761
September 17-20, 1979	. 648761
September 21, 1979	. 655308

Hong Kong dollar:

August 27, 1979	\$0. 196850
August 28, 1979	. 196715
August 29, 1979	. 197765
August 30, 1979	. 198059
August 31, 1979	. 197902
September 3, 1979	Holiday
September 4, 1979	. 196889
September 5, 1979	. 195982
September 6, 1979	. 196734
September 7, 1979	. 196909
September 10, 1979	. 197200
September 11, 1979	. 196928
September 12, 1979	. 196967
September 13-14, 1979	. 197044
September 17, 1979	. 197180
September 18, 1979	. 197083
September 19, 1979	. 197355
September 20, 1979	. 198059
September 21, 1979	. 198610

Iran rial:

August 27-31, 1979	\$0. 0142
September 3, 1979	Holiday
September 4-7, 1979	. 0142
September 10-14, 1979	. 0142
September 17-21, 1979	. 0142

Philippines peso:

August 27-31, 1979	\$0. 1350
September 3, 1979	Holiday
September 4-7, 1979	. 1350
September 10-14, 1979	. 1350
September 17-21, 1979	. 1350

Singapore dollar:

August 27, 1979	.....	\$0. 463822
August 28, 1979	.....	. 463285
August 29, 1979	.....	. 462963
August 30, 1979	.....	. 464468
August 31, 1979	.....	. 464253
September 3, 1979	.....	Holiday
September 4, 1979	.....	. 464145
September 5, 1979	.....	. 464576
September 6, 1979	.....	. 465116
September 7, 1979	.....	. 465224
September 10, 1979	.....	. 465983
September 11, 1979	.....	. 464145
September 12, 1979	.....	. 464253
September 13, 1979	.....	. 463499
September 14, 1979	.....	. 463822
September 17, 1979	.....	. 462535
September 18, 1979	.....	. 463070
September 19, 1979	.....	. 463392
September 20, 1979	.....	. 466527
September 21, 1979	.....	. 465766

Thailand baht (tical):

August 27-31, 1979	.....	\$0. 0495
September 3, 1979	.....	Holiday
September 4-7, 1979	.....	. 0495
September 10-14, 1979 0495
September 17-21, 1979 0495

Venezuela bolivar:

September 19-21, 1979	\$0. 2328
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(LIQ-3-CT:D:E)

Date: October 1, 1979.

DANIEL D. SULLIVAN

(For G. Scott Shreve, Acting
Director, Duty Assessment Division).

U.S. Customs Service

General Notice

(521192)

Rock Super X-11, Rock Super X-15, Traction Super X-11, and
Traction Super X-15 Tire Protection Chains

Tariff classification under the tariff provisions for chain and chains of base metal not coated or plated with precious metal; change of practice considered; 19 CFR part 177

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed change of practice.

SUMMARY: This document gives notice that the Customs Service is reviewing the current uniform and established practice of classifying the Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 tire protection chains manufactured by Erlau of West Germany under the provisions for chain and chains, and parts thereof, all the foregoing of base metal not coated or plated with precious metal, of iron or steel, the links of which are of stock essentially round in cross section, in items 652.24 through 652.33, Tariff Schedules of the United States (TSUS), depending upon the diameter of the link stock. The Customs Service proposes to classify the above enumerated tire protection chains under the provision for chain and chains, and parts thereof, all the foregoing of base metal not coated or plated with precious metal, of iron or steel, other, in item 652.35, TSUS.

DATE: 11-5-79.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Leonard Emmert, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-8181.

SUPPLEMENTARY INFORMATION:**BACKGROUND**

Under a uniform and established practice, the Customs Service classifies the Rock Super X-11, Rock Super X-15, Traction Super X-11, and Traction Super X-15 tire protection chains manufactured by Erlau of West Germany under the provisions for chain and chains, and parts thereof, all the foregoing of base metal not coated or plated with precious metal, of iron or steel, the links of which are of stock essentially round in cross section, in items 652.24 through 652.33 Tariff Schedules of the United States (TSUS), depending upon the diameter of the link stock. Each of the above enumerated Erlau tire protection chains consists of a chain mesh having two distinct link types. One is a welded ring or link of stock essentially round in cross section with a uniformly measurable diameter. The other link is a forged steel wear link which is the essential tire protection element. The forged wear link is not essentially round in diameter, but predominates over the round link in area and weight. It is the considered position of Customs that classification of the subject tire protection chains under the provision for chain or chains with links of stock essentially round in cross section in items 652.24 through 652.33, TSUS, should be precluded.

PROPOSED CHANGE OF PRACTICE

The Customs Service is considering a change in the practice of classifying the Rock Super X-11, Rock Super X-15, Traction Super X-11, Traction Super X-15, tire protection chains under the provisions for chain or chain with links of stock essentially round in cross section in items 652.24 through 652.33, TSUS. The Customs Service proposes to classify the above-enumerated tire protection chains under the provision for chain or chains, other, in item 652.35, TSUS.

AUTHORITY

Inasmuch as the proposed change of practice will affect the assessed duties on the subject tire protection chains, the Customs Service is giving this notice and opportunity for comment in accordance with section 315(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1315 (d)), and section 177.10(c) (1) of the Customs Regulations (19 CFR 177.10(c) (1)).

Consideration will be given to any comments submitted in writing to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Legal Publications Division, Headquarters, room

2335, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

DRAFTING INFORMATION

The principal author of this notice was Harold I. Loring, Regulations and Legal Publications Division, U.S. Customs Service. However, personnel from other offices of the U.S. Customs Service participated in developing this notice, both on matters of style and substance.

WILLIAM T. ARCHEY,
Commissioner of Customs.

Approved: September 11, 1979.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[Published in the Federal Register, Oct. 4, 1979 (44 F.R. 57248)]

Certain Industrial Electric Motors From Japan Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of antidumping investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of certain polyphase, a.c., industrial electric motors from Japan are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise in the home market.

EFFECTIVE DATE: Oct. 3, 1979.

FOR FURTHER INFORMATION CONTACT: Steve Garment, Trade Analysis Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On August 27, 1979, a petition was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel for the Motor and Generator Section of the National Electrical Manufacturers Association, alleging that certain polyphase, a.c., industrial electric motors from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

For purposes of this investigation, certain industrial electric motors means polyphase, a.c., electric motors of greater than 5 horsepower and up to and including 500 horsepower. Such motors are included under the following numbers of the Tariff Schedules of the United States Annotated: 682.4030, 682.4035, 682.5010, and 682.5030.

Based upon the information supplied by the petitioner and derived from Custom's summary investigation, it appears that the margins of dumping for standardized models may range from 38 percent to 306 percent. For models requiring customization, the estimates of the dumping margins range up to 382 percent.

The petition includes evidence concerning injury, or likelihood of injury, to U.S. producers of industrial electric motors by reason of sales at less than fair value of imported electric motors from Japan. The petitioner cites the increase in market share attained by Japanese imports during the past 5 years, an absolute decline in U.S. production during the same period, declines in capacity utilization, employment and profits, and price suppression or depression due to the alleged sales at less than fair value.

Having conducted a summary investigation as required by section 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for doing so, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to section 153.30. Customs Regulations (19 CFR 153.30).

Dated: September 26, 1979.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[Published in the Federal Register, Oct. 3, 1979 (44 F.R. 57001)]

Sodium Acetate from Canada

Antidumping: withholding of appraisement notice and determination of sales at less than fair value

AGENCY: U.S. Treasury Department.

ACTION: Withholding of appraisement and determination of sales at less than fair value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that sodium acetate from Canada is being sold at less than fair value under the Antidumping

Act, 1921. (Sales at less than fair value generally occur when the price of merchandise for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries.) Appraisements of entries of this merchandise will be suspended for 3 months. This case is being referred to the U.S. International Trade Commission for a determination whether an industry in the United States is being or is likely to be injured by reason of such imports.

EFFECTIVE DATE: Oct. 4, 1979.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Trade Analysis Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-5492.

SUPPLEMENTARY INFORMATION: On March 5, 1979, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from the Niacet Corp. of Niagara Falls, N.Y., alleging that sodium acetate from Canada is being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (the act). On the basis of this information, an "Antidumping Proceeding Notice" was published in the Federal Register on March 29, 1979 (44 F.R. 18782).

Sodium acetate is a chemical used as a dye intermediate, in kidney dialysis, in the production of detergents and in various other applications. For purposes of this investigation "sodium acetate" means sodium acetate classified under item No. 466.8600 of the Tariff Schedules of the United States Annotated.

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, sodium acetate from Canada is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and basis for the above determinations are as follows:

a. *Scope of investigation.*—All imports of the subject merchandise from Canada are manufactured by McArthur Chemical Co. Division of Van Waters & Rogers, Ltd. Therefore, the investigation was limited to this manufacturer.

b. *Basis of comparison.*—For purposes of this determination, the proper basis of comparison is between the purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the act (19 U.S.C. 162), was used since export sales

to the United States were made to unrelated customers. Home market price, as defined in section 153.2, Customs Regulations (19 CFR 153.2), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide an adequate basis for comparison.

In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports and home market sales during the period September 1, 1978, through February 28, 1979.

c. Purchase price.—For purposes of this determination, the purchase price has been calculated on the basis of the ex-factory price to the United States. No adjustments to this price were claimed or made.

d. Home market price.—For purposes of this determination, the home market price has been calculated on the basis of the delivered price to unrelated purchasers with an adjustment for freight. The adjustment for freight represents the cost of transferring the merchandise from the point of shipment to the point of delivery.

A claim was made for an adjustment based on service expenses in the home market under section 153.10, Customs Regulations (19 CFR 153.10). This claim was rejected because no documentation was provided to substantiate the estimated amount claimed.

McArthur requested that rather than using sales to an unrelated end-user in Canada as a basis for fair value, its sales of sodium acetate to related home market distributors should be used. Under section 153.13(b), Customs Regulations (19 CFR 153.13(b)), the Treasury does not use related party transactions as a basis for establishing fair value, unless it can be shown that the prices charged to the related party were representative of those charged in arms' length transactions. McArthur has been unable to demonstrate this. Under section 153.15, Customs Regulations (19 CFR 153.15), when there are no acceptable sales in the foreign market at the level of trade at which sales to the United States are made, an adjustment could be made if cost differences to the seller could be demonstrated to result from the differences in the two levels of trade involved. No quantification was possible and therefore no adjustment was granted. Accordingly, fair value comparisons were made using the price charged in Canada to an unrelated end-user and an unrelated distributor in the United States.

e. Results of fair value comparisons.—Using the above criteria, comparisons were made on 100 percent of McArthur's sales of sodium acetate to the United States during the period under consideration. These comparisons indicate that the purchase price was 34.75 percent lower than the home market price of such or similar merchandise in all cases.

The Secretary has provided an opportunity to known interested parties to present written and oral views pursuant to section 153.40, Customs Regulations (19 CFR 153.40). No such views were presented.

Based on the reasons noted above, Customs officers are being directed to withhold appraisement of sodium acetate from Canada in accordance with section 153.48, Customs Regulations (19 CFR 153.48).

This withholding of appraisement notice, which is published pursuant to section 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become effective upon publication in the Federal Register. It shall cease to be effective at the expiration of 3 months from the date of this publication unless previously revoked.

The U.S. International Trade Commission is being advised of this determination.

This determination is published pursuant to section 201(b) of the act (19 U.S.C. 160(b)).

Dated: September 27, 1979.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[Published in the Federal Register, Oct. 4, 1979 (44 F.R. 57249)]

Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza
New York, N.Y. 10007

Chief Judge

Edward D. Re

Judges

Paul P. Rao
Morgan Ford
Scovel Richardson
Frederick Landis

James L. Watson
Herbert N. Maletz
Bernard Newman
Nils A. Boe

Senior Judge

Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Abstracts

Abstracted Protest Decisions

DEPARTMENT OF THE TREASURY, September 24, 1979.

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary given will be of assistance to customs officials in easily locating cases and tracing important facts.

ROBERT E. CHASEN,
Commissioner of Customs.

CUSTOMS

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate		
P79/101	Maletz, J. September 20, 1979	APF Electronics, Inc.	79-1-00108, etc.	Item 735.20 10%	Item 734.20 5.5%			APF Electronics Inc. v. U.S. (C.D. 4784)	New York "T.V. Games"

Decisions of the United States Customs Court

Abstracts *Abstracted Reappraisal Decisions*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R79/187	Ford, J. September 20, 1979	Mitsui & Co. Ltd.	R63/2303	United States value	F.o.b. unit invoice prices plus 50%	Agreed statement of facts	New York Electron receiving tubes
R79/188	Ford, J. September 20, 1979	Mitsui & Co. Ltd. et al.	R64/15599, etc.	United States value	F.o.b. unit invoice prices plus 50%	Agreed statement of facts	Chicago Electron receiving tubes

Index

U.S. Customs Service

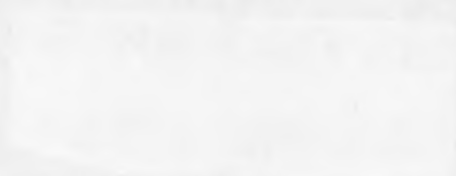
Treasury Decisions:	T.D. No.
Customs Regulations amended—section 101.3, extending port limits of Brownsville, Tex.....	79-254
Customs Regulations amended—section 4.99, printing by private parties of Customs forms.....	79-255
Customs Regulations amended—section 4.22, add Bangladesh to list of nations.....	79-258
Cotton, wool, and manmade fiber textile products—Philippines.....	79-257
Manmade fiber textile products—Malaysia.....	79-256
Foreign currencies:	
Rates which varied from quarterly rate; week of Sept. 17-21, 1979.....	79-261
Daily certified rates; August 27-September 21, 1979.....	79-262
Synopsis of drawback decisions.....	79-259
Orange juice and orange juice from concentrate.....	79-259-A
	79-259-B
	79-259-C
Batteries, secondary lead acid.....	79-259-D
Orange juice and orange juice from concentrate.....	79-259-E
Beverages, canned and bottled, carbonated and noncarbonated.....	79-259-F
	79-259-G
	79-259-H
Beverage concentrates, finished syrups, and fountain syrups.....	79-259-I
Orange juice and orange juice from concentrate.....	79-259-J
Cherries, maraschino; glace cherries and canned fruits.....	79-259-K
Karathane series.....	79-259-L
Kerb.....	79-259-M
Emulsions (rhoplex and primal).....	79-259-N
Stam series.....	79-259-O
Acryloid and other modifiers, emulsions and acryloid solution coating.....	79-259-P
Syntans (tamol and leukanol).....	79-259-Q
Surfactants (phosphates).....	79-259-R
Kelthane series.....	79-259-S
Plexiglas molding powder, implex molding powder, other modifiers.....	79-259-T
Emulsions, acryloid solution coatings, MR and GEL anionicion exchange resins.....	79-259-U
Orange juice and orange juice from concentrate.....	79-259-V
Para-tertiary-butylphenol.....	79-259-W

Treasury Decisions—Continued

Synopsis of drawback decisions—Continued

Silos, agricultural forage and grain	79-259-X
Pepsi Cola fountain syrups	79-259-Y
Fruits, canned and fruit cocktail	79-259-Z
Synopsis of drawback decisions	79-260
Butanediol	79-260-B
Media, dehydrated and prepared	79-260-C
Yarns, metallic	79-260-D
Hoists, trolleys	79-260-E
Fuel cells, nuclear	79-260-F
Tying machines	79-260-G
PET computers	79-260-H
Hemicoil reactors	79-260-I
Watches, electronic digital	79-260-J
Aldehyde, amylcinnamic	79-260-K
Wool, hair, silk, or synthetic fibers	79-260-L
Camelhair; cashmere	79-260-M
Skis	79-260-N
Powder, protein	79-260-O
Compactors	79-260-P
Bar chuckers and turning centers	79-260-Q
Insecticides	79-260-R
Microfiche/microfilm viewers	79-260-S
Yardage, printed	79-260-T
Ball bearings, finished	79-260-U
Parazylyene, toluene, fuel gas	79-260-V
Cigarettes; cigarette tobacco	79-260-W
MCPD amine 4M	79-260-X
Helicopters and helicopter parts	79-260-Y
Wire rods, cold drawn	79-260-Z

1. The first of these is the *Journal of the Royal Society of Medicine*, which has been published since 1847. It is a quarterly journal, and is one of the most important in the field of medicine. It is published by the Royal Society of Medicine, and is edited by the President of the Society. The journal is devoted to the publication of original research, reviews, and other material of interest to the medical profession. It is a very important source of information for medical researchers and practitioners alike.
2. The second of these is the *British Medical Journal*, which has been published since 1847. It is a weekly journal, and is one of the most important in the field of medicine. It is published by the British Medical Association, and is edited by the President of the Association. The journal is devoted to the publication of original research, reviews, and other material of interest to the medical profession. It is a very important source of information for medical researchers and practitioners alike.
3. The third of these is the *Lancet*, which has been published since 1823. It is a weekly journal, and is one of the most important in the field of medicine. It is published by the Lancet Publishing Group, and is edited by the President of the Group. The journal is devoted to the publication of original research, reviews, and other material of interest to the medical profession. It is a very important source of information for medical researchers and practitioners alike.
4. The fourth of these is the *New England Journal of Medicine*, which has been published since 1812. It is a weekly journal, and is one of the most important in the field of medicine. It is published by the New England Journal of Medicine Publishing Group, and is edited by the President of the Group. The journal is devoted to the publication of original research, reviews, and other material of interest to the medical profession. It is a very important source of information for medical researchers and practitioners alike.
5. The fifth of these is the *Annals of the Royal College of Physicians*, which has been published since 1825. It is a quarterly journal, and is one of the most important in the field of medicine. It is published by the Royal College of Physicians, and is edited by the President of the College. The journal is devoted to the publication of original research, reviews, and other material of interest to the medical profession. It is a very important source of information for medical researchers and practitioners alike.
6. The sixth of these is the *Journal of the Royal Society of Tropical Medicine and Hygiene*, which has been published since 1906. It is a quarterly journal, and is one of the most important in the field of tropical medicine. It is published by the Royal Society of Tropical Medicine and Hygiene, and is edited by the President of the Society. The journal is devoted to the publication of original research, reviews, and other material of interest to the medical profession. It is a very important source of information for medical researchers and practitioners alike.
7. The seventh of these is the *Journal of the Royal Society of Hygiene*, which has been published since 1906. It is a quarterly journal, and is one of the most important in the field of hygiene. It is published by the Royal Society of Hygiene, and is edited by the President of the Society. The journal is devoted to the publication of original research, reviews, and other material of interest to the medical profession. It is a very important source of information for medical researchers and practitioners alike.
8. The eighth of these is the *Journal of the Royal Society of Pathology*, which has been published since 1906. It is a quarterly journal, and is one of the most important in the field of pathology. It is published by the Royal Society of Pathology, and is edited by the President of the Society. The journal is devoted to the publication of original research, reviews, and other material of interest to the medical profession. It is a very important source of information for medical researchers and practitioners alike.
9. The ninth of these is the *Journal of the Royal Society of Bacteriology*, which has been published since 1906. It is a quarterly journal, and is one of the most important in the field of bacteriology. It is published by the Royal Society of Bacteriology, and is edited by the President of the Society. The journal is devoted to the publication of original research, reviews, and other material of interest to the medical profession. It is a very important source of information for medical researchers and practitioners alike.
10. The tenth of these is the *Journal of the Royal Society of Zoology*, which has been published since 1906. It is a quarterly journal, and is one of the most important in the field of zoology. It is published by the Royal Society of Zoology, and is edited by the President of the Society. The journal is devoted to the publication of original research, reviews, and other material of interest to the medical profession. It is a very important source of information for medical researchers and practitioners alike.



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